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24

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,532	12/19/2003	Lance E. Good	115733	1531
65575	7590	05/15/2007	EXAMINER	
OLIFF & BERRIDGE, PLC			VU, THANH T	
P.O. BOX 19928			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22320			2174	
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			05/15/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/707,532	GOOD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thanh T. Vu	2174	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 40 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim recites “a carrier wave”, that recites nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of magnetic field, define energy or magnesium, per se, and such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in 35 U.S.C. 101.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-11, 13-17, 19-24, 26-30, 32-37, 39 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Robertson et al. (“Robertson”, U.S. Pat. No 6,968,511).

Art Unit: 2174

Per claim 1, Robertson teaches a method for enhancing recognizability of objects/groups in a workspace, comprising:

determining whether a first object/group is moved to a location within a predetermined distance of a second object/group ( fig. 25 and col. 5, lines 23-33; *determining a moving object is within predetermined distance from a cluster*); and

assigning a display cue of the second object/group to the first object/group upon placement of the first object/group in the workspace, whereby the first object/group and the second object/group form a group (col. 5, lines 41-45, col. 8, lines 4-11, and col. 9, lines 40-50; *shows changes in cluster association or membership when an object is moved to a new cluster*).

Per claim 2, Robertson teaches the method of claim 1, wherein the objects/groups are free-format (col. 5, lines 41-45, col. 8, lines 4-11, and col. 9, lines 40-50; *the examiner considers an object in Robertson is free-format is because the user can freely change the format of the object's cluster association or membership when the object is moved to a new cluster*).

Per claim 3, Robertson teaches the method of claim 1, wherein the display cue includes at least one of group-specific background color for objects/groups, group-specific color for text of objects/groups, group-specific color for bounding lines for objects/groups, colored halos or containers for objects/groups, colored regions surrounding objects/groups, line pattern boundaries for objects/groups, unique halftone or gray-shade boundaries for objects/groups, common font for text of objects/groups, and title bars (col. 8, lines 3-20, col. 14, lines 34-44, and col. 15, lines 7-10; *show group specific background color when a cluster is selected. In addition, a cluster has a common banner and label*).

Per claim 4, Robertson teaches the method of claim 1, further comprising temporarily assigning the display cue of the second object/group to the first object/group when the first object/group is moved to a location within the predetermined distance of the second object/group (fig. 15; col. 17, lines 40-46 and lines 52-58; *as the object 350 is moved to a new cluster it banner is updated to reflect the change in association. The change in association can be temporarily because the user has the option to move the object back to its original cluster.*)

Per claim 6, Robertson teaches the method of claim 1, further comprising when the first object/group is determined not to be within the predetermined distance of the second object/group, identifying the first object/group as unassigned (fig. 25; col. 25, lines 3-8; *step 950 determined if an object is within a predetermined distance of a cluster. When the determination is a NO, and the object is not a member of any cluster, the object is identified as unassigned i.e. no membership association*).

Per claim 7, Robertson teaches the method of claim 1, wherein the first object/group is a new object (col. 5, lines 41-45, and col. 14, lines 34-37; *when an object is move to a new cluster, the object is considered as a new object being introduced in the cluster.*)

Per claim 8, Robertson teaches the method of claim 1, wherein the first object/group is an existing object/group being moved from another location in the workspace (fig. 15, col. 17, lines 36-38; *object 350 is move from cluster 312 to cluster 310*).

Per claim 9, Robertson teaches the method of claim 1, wherein the predetermined distance is at least one of a distance from the closest object in the second object/group, a distance from the center of the second object/group, and a distance from group membership display cues (col. 5, lines 28-33; *determining a distance between an object and a cluster indicator*).

Art Unit: 2174

Per claim 10, Robertson teaches the method of claim 1, further comprising providing a boundary of the second object/group when the first object/group is within the predetermined distance (fig. 27, step 1120, and col. 26, line 64- col. 17, line 6; *determining whether an object is within a boundary of another object*).

Per claim 11, Robertson teaches the method of claim 10, wherein the boundary is at least one of rectangular, circular and polygonal (fig. 8 *shows object 402 and object 404 with rectangular borders*).

Per claim 13, Robertson teaches the method of claim 1, further comprising: providing an option not to assign the display cue to the first object/group and maintaining an original assignment of a display cue of the first object/group (fig. 15; col. 17, lines 40-46 and lines 52-58; *shows as the object 350 is moved to a new cluster it banner is updated to reflect the change in association. The user has the option to move the object back to its original cluster. Thus, this would maintain the original display cue of the object.*)

Claims 14-17 are rejected under the same rationale as claims 1-4 respectively.

Claims 19-24 and 26 are rejected under the same rationale as claims 6-11, and 13 respectively.

Claims 27-30 are rejected under the same rationale as claims 1-4 respectively.

Claims 32-37 and 39 are rejected under the same rationale as claims 6-11, and 13 respectively.

Claim 40 is rejected under the same rationale as claim 1.

***Claim Rejections - 35 USC § 103***



The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 5, 12, 18, 25, 31, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson and Andrew et al. ("Andrew", U.S. Pat. No. 5,371,844).

Per claim 5, Robertson teaches the method of claim 1, comprising: the GUI automatically assigns display cue (color-code banner) to a group (cluster), see col. 6, lines 53-56, and col. 8, lines 3-10. Robertson does not specifically teach determining whether the second object/group has an assigned display cue and when the second object/group is determined not to have an assigned display cue, assigning another display cue that is different from a display cue of neighboring objects/groups. However, Andrew teaches determine whether the second object/group has an assigned display cue and when the second object/group is determined not to

Art Unit: 2174

have an assigned display cue, assigning another display cue that is different from a display cue of neighboring objects/groups (*in Andrew's reference, a user can determine whether an object/group has an assigned display cue (i.e. color assigned to an object/group by the user). If the user determines that the user has not assigned a particular color to an object/group, the user can assign a color to the object/group display cue that is different from its neighboring objects/groups, see fig. 5a-5b, col. 8, lines 15-26*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the method that allows the user to assigned a different color to object/group as taught by Andrew in the invention of Robertson in order to provide the user with a user interface that the user can quickly and easily modify a color of an object or component to user's liking.

Claim 18 is rejected under the same rationale as claim 5.

Claim 31 is rejected under the same rationale as claim 5.

Per claim 12, Robertson teaches the method of claim 1, comprising assigning a new display cue to the first object/group upon placement of the first object/group at the location, whereby the first object/group and the second object/group form a new group (col. 14, lines 34-37; *new object is assigned new color coded banner when move to a new cluster*). Robertson does not specifically teach assigning a new display cue to first object/group and the second object/group. However, Andrew teaches a new display cue to first object/group and the second object/group (*in Andrew, a user can assigned different colors component of a graphical user interface, see fig. 51 and 5b, col. 8, lines 15-26*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the method that allows the user to



Art Unit: 2174

assigned a different color to object/group as taught by Andrew in the invention of Robertson in order to provide the user with a user interface that the user can quickly and easily modify a color of an object or component to user's liking.

Claim 25 is rejected under the same rationale as claim 12.

Claim 38 is rejected under the same rationale as claim 12.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Robertson et al. (U.S. Pat. No. 6,414,677) discloses a GUI in which object thumbnail are rendered on a simulated 3-D surface.

Knevsky et al. (U.S. Pat. No. 6,426,761) discloses an information presentation system for a GUI.

Diedrichsen et al. (U.S. Pat. No. 5,920,313) discloses method and system for associating related user interface objects.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The examiner can normally be reached on Mon-Thur and every other Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Patent Examiner  
AU 2174, TC 2100